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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Marriage of SATYA V. and
LAKSHMI REDDI.

SATYA V. REDDI,

Appellant,

v.

LAKSHMI REDDI,

Respondent.

G044888

(Super. Ct. No. 99D007398)

O P I N I O N

Appeal from orders of the Superior Court of Orange County, David L.
Belz, Judge. Affirmed.

Satya V. Reddi, in pro. per., for Appellant.

Hughes and Hughes and Lisa Hughes for Respondent.

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I. INTRODUCTION

Satya Reddi brought an order to show cause (OSC) to terminate or reduce spousal support to his ex-wife, Lakshmi Reddi.¹ Numerous discovery disputes ensued. The trial judge appointed a referee. The referee concluded that Satya was being wholly unreasonable,² and recommended, among other things, striking his pleadings and awarding attorney fees to Lakshmi.³

This appeal challenges two trial court orders which effectively implemented the referee's recommendation to sanction Satya for discovery recalcitrance. Satya barely devotes a paragraph to arguing that the trial court abused its discretion in dismissing his OSC. Instead, his theme in this appeal, as it has been almost from the beginning of all of his litigation, has been that he is *entitled* to have the spousal support payable to Lakshmi reduced to zero. (Or, if not zero, reduced greatly to a percentage of the "marital standard of living," which he pegs at \$719 a month.) He forgets that, regardless of the merits of his OSC, he is still required to comply with California's discovery laws. We therefore affirm the two orders from which this appeal has been taken.

¹ For clarity's sake we refer to the parties by their first names. No disrespect is intended.

² An understatement. Satya's recalcitrance moved the referee, retired Judge C. Robert Jameson, to some very vigorous prose indeed: "Grabbing a greased pig, wrestling an octopus, catching an eel, or finding the proverbial needle would be easier than obtaining discovery compliance from Petitioner Satya V. Reddi. The discovery avoidance of The Artful Dodger puts Bait and Switch, Three Card Monty and Hide the Ball to shame."

³ Satya so unimpressed Judge Jameson that, among the other things, Judge Jameson also recommended a jail sentence, with Satya being placed on probation requiring him to obey court orders, with any failure to obey causing sentence to be imposed.

II. BACKGROUND

A. *The Confines of This Appeal*

This is the fourth time Satya Reddi has made the trip to this court, each time as an appellant.⁴ As we explained the last time, in *Reddi III*, Satya’s own drafting of the notice of appeal and his own preparation of the appellate record can limit the authority of this court to afford him relief on appeal. (See *Reddi III, supra*, G044385.) In this case, for example, he has filed what is, in effect, a fourth volume of an appellant’s appendix with his reply brief, in addition to the three volumes previously filed with his opening brief. Filing a part of the record with a reply brief was not fair to Lakshmi, who had no access to such a belatedly-filed appendix in preparing her respondent’s brief. Accordingly, we do not consider any arguments based on documents in Satya’s de facto “reply appendix.” (See *Provost v. Regents of University of California* (2011) 201 Cal.App.4th 1289, 1295 [“In addition, we will not address arguments raised for the first time in the reply brief . . . or documents in plaintiff’s ‘Reply Appendix’ filed with his reply brief because defendants lacked the opportunity to respond.”].)

Likewise, an appellate court is limited to the matters specified in the notice of appeal. (*Morton v. Wagner* (2007) 156 Cal.App.4th 963, 967 [appellate court could not consider matters attacking judgment not mentioned in notice of appeal].) We therefore disregard, as we did in *Reddi II*, all the arguments in his opening brief which are “really directed at the merits” of the 2001 original spousal support order made in this dissolution action. (*Reddi II, supra*, G040864.)

⁴ The three previous cases were: (1) *In re Marriage of Reddi* (July 31, 2003, G029401) [nonpub. opn.] (“*Reddi I*”), *In re Marriage of Reddi* (Dec. 30, 2009, G040864) [nonpub. opn.] (“*Reddi II*”), and *Reddi v. Zwick* (July 7, 2011, G044385) [nonpub. opn.] (“*Reddi III*”).

Rather, our review is confined to just the two orders actually mentioned in the notice of appeal: an order made January 14, 2011 and another order made January 27, 2011.

The January 14 order did one thing: It outright dismissed Satya's OSC to modify spousal support.

The January 27 order did four things: (1) It denied a set aside motion filed January 18, 2008. (2) It denied totally *Lakshmi's* request for any attorney fees incurred in connection with an OSC dating back to December 2004. (3) It awarded Lakshmi a total of \$216,000 in accumulated attorney fees, most of the amount having been incurred since June 2009,⁵ payable at the rate of \$1,900 a month. Finally, (4) it awarded Lakshmi \$50,000 as sanctions under Family Code section 271 for violation of unspecified court orders and "discovery abuse."⁶

Satya obviously does not challenge the January 27 order's denial of fees connected with the 2004 OSC.

B. The Litigation Leading Up to This Appeal
(Abbreviated Version)

Satya and Lakshmi have been divorced since 2000, when they obtained a dissolution of the status of their marriage. The property and support issues were tried in 2001. The trial resulted in an order for permanent spousal support set at \$3,000 a month.

⁵ In *Reddi II*, this court reversed an attorney fee order made August 31, 2007 for some \$32,000 in accumulated attorney fees "for several previous (and futile) attempts by Satya to terminate support in orders to show cause." (*Reddi II, supra*, G040864.) Within the total of \$216,000, the order of January 27, 2011 also reduced a previous order for \$22,263.29 made in August 2007 to \$14,000, and reduced another previous order made in August 2008 of \$50,000 to \$37,000. The new (cumulative) award thus consists of \$14,000 for the August 2007 order, \$37,000 for the August 2008 order, and \$165,000 in attorney fees accumulated from June 23, 2009 to August 9, 2010.

⁶ All undesignated statutory references in this opinion are to the Family Code.

Since that time, Satya has complained vociferously on many occasions that the initial \$3,000 support order was erroneous as a matter of law because it did not reflect the “marital standard of living.”⁷ Significantly, though, Satya did not appeal from the judgment awarding his ex-wife \$3,000. His first appeal, *Reddi I*, raised just one issue, and that only concerned the absence of a written tentative decision. (*Reddi I, supra*, G029401.) Thus, whether the support order was within the bounds of abuse of discretion or not, Satya was stuck with a final judgment providing for \$3,000 a month spousal support award. This court has no power to undo that final judgment.

Reddi I was decided in 2003. In the ensuing seven years Satya launched no less than three separate OCS’s seeking to terminate or reduce his spousal support — in December 2004, May 2006, and June 2009. The dismissal of the last of those, filed in June 2009, is now before us because it was the subject of the January 14, 2011 order.

Each time Satya has tried to change the spousal support award he has had about as much luck as Don Quixote had in charging the windmills he mistook for giants. But each time Satya’s lack of success would precipitate several rounds of collateral litigation, usually in the form of secondary requests by Lakshmi for attorney fees, followed by tertiary counterattacks from Satya in the form of requests to set aside or reconsider the inevitably ensuing attorney fee orders. In one case, the secondary and tertiary proceedings engendered the appeal which resulted in *Reddi II*.⁸ All the while, the fees which Lakshmi incurred as a result of Satya’s efforts would mount up.

⁷ As Satya himself wrote in December 2010 in opposition to an attorney fee request from Lakshmi, “This court has a duty to protect the Petitioner because all this litigation would not have happened but for the court’s failure to make a finding of marital standard of living and mistake in spousal support calculation. Petitioner paid a heavy price of \$3,000 a month every month for the last 11 years amounting to \$369,000 (almost equal to 50% of Petitioner’s share) and suffered severe emotional distress”

⁸ Satya was only successful in obtaining a reversal of the denial of a set aside motion and an attorney fee order in *Reddi II* because the particular trial judge involved in the case,

Satya also sued, for malpractice, the lawyers who handled his 2001 trial. Ironically, he obtained what this court noted in *Reddi III* as “some significant relief” in that suit in the form of having his own legal fees of over \$100,000 forgiven, plus receiving an extra \$160,000 in a malpractice settlement. (*Reddi III, supra*, G044385.)⁹ And yet, dissatisfied with that “significant relief,” he sued the lawyers for malpractice who obtained that relief for him. As we characterized his efforts in *Reddi III*, the case was “literally, a malpractice action based on a previous malpractice action.” (*Ibid.*) Needless to say, his appeal from the ensuing defense verdict was as futile as his previous OSC’s to modify or terminate support.

The round of proceedings which have resulted in this appeal stem from an OSC filed June 1, 2009 to terminate (or alternatively reduce) support. The occasion of this OSC was Satya’s retirement as an engineer from Fluor Enterprises on the same date, having reached the age of 65.

In response, Lakshmi propounded discovery. She sought to have Satya bring documents to his deposition. He refused. She sought to depose Satya’s present wife. The present wife did not show up. She sought to redepose Satya. Satya did not show up again. Lakshmi thus had to seek orders requiring his present wife to show up for her deposition and to have Satya produce the documents he should have brought to his deposition in the first place.

now retired, made some very unfortunate remarks on the record which the majority of the panel thought indicated she was biased against Satya (see *Reddi II, supra*, G040864), and because that judge then based her attorney fee order entirely on what she perceived as “Satya’s generally unreasonable attitude.” (*Ibid.*) The reversal was not based on the merits of his set aside motion or attorney fee order.

⁹ The trial judge in *Reddi III* was more effusive. He declared that the attorneys who got the result against Satya’s first set of attorneys were nothing less than “miracle workers.” (*Reddi III, supra*, G044385.)

The trial court appointed retired Judge C. Robert Jameson as discovery referee. Judge Jameson ended up presiding over Satya's renewed deposition. It was Satya's conduct at that deposition that provoked the vigorous condemnation written by Judge Jameson quoted in footnote 2 above. As related, Judge Jameson not only recommended the striking of Satya's pleadings and payment of attorney fees to Lakshmi, he went so far as to propose criminal proceedings for disobedience to court orders.

DISCUSSION

A. The Striking of the Satya's OSC to Modify Support

Satya conspicuously does not argue that the "terminating sanction" levied against his OSC to modify support was more punitive than necessary, i.e., that the trial judge should have levied lesser, intermediate sanctions. His only argument against the striking of his pleadings as such is that the imposition of the terminating sanctions contravened section 4322.

Section 4322 is short. It provides, in its entirety: "In an original or modification proceeding, where there are no children, and a party has or acquires a separate estate, including income from employment, sufficient for the party's proper support, no support shall be ordered or continued against the other party."

To be sure, section 4322 *does* support Satya's overall thesis that he should be relieved of spousal support — that is, assuming the court were to find, as a matter of fact after a contested hearing on the merits of his OSC, that Lakshmi has indeed acquired a "separate estate." But Satya's argument in this regard, as well as related arguments made in his brief, betray a fundamental misunderstanding of the litigation process.¹⁰ A

¹⁰ Arguments "6.7" through "6.7.8" in his opening brief fall into this category, e.g., that he was entitled to win his OSC because Lakshmi has done nothing to become self-supporting.

single sentence on page 48 and 49 of his opening brief readily illustrates the error of this thinking. He writes: “Appellant’s finances had nothing to do with [Family Code section] 4322.” Satya forgets that *before* the court could come to the point of terminating support to Lakshmi because of her own (alleged) separate estate, the trial court must first find the existence of such a separate estate, and *before* that can happen, he must comply with discovery requests for relevant information.

We further stress, in this regard, that an OSC to eliminate or reduce spousal support requires changed circumstances since the previous order. (*In re Marriage of Hentz* (1976) 57 Cal.App.3d 899, 901.) The one obvious change of circumstance which might have justified Satya’s June 2009 OSC was his retirement, not the alleged acquisition by Lakshmi of a “separate estate” for purposes of section 4322. As such, Lakshmi had every right to delve into his finances using the applicable discovery laws.

California law specifically provides for the usual panoply of civil discovery rules whenever there is a pending request for modification or elimination of spousal support. (§ 3662.) There is no exception for litigants who think that their theory of eliminating or reducing support obviates the relevance of any given discovery request. If Satya really thought that Lakshmi was propounding discovery irrelevant as a matter of law to his OSC, his remedy was to seek writ relief from the various orders (e.g., the orders granting Lakshmi’s motion to compel production of various documents in his possession made in September 2009 or her motion to compel the deposition of his present wife) rather than wait to appeal the sanction levied against him for (among other things) refusing to obey those orders.

What is unavoidably obvious from Satya’s briefing is that he has assumed that because he thought he had a good case on the merits to have the court modify or eliminate support to Lakshmi, he could stonewall various discovery requests or court orders. This appeal is concerned with the discovery sanctions leveled against him, not

the merits of his request for spousal support modification. As such he has shown no error or abuse of discretion.

B. The \$50,000 Sanction

Satya's arguments regarding the \$50,000 sanction likewise betray a misunderstanding between adjudication of the merits of his OSC and the law of discovery. His arguments (again, best illustrated at pages 48 through 49 of his opening brief) are all arguments which go to the merits of a proposed reduction or termination of support, not to showing that the sanction levied against him for his own conduct was either excessive or outside the bounds of discretion. We thus affirm the \$50,000 sanction order.

C. The \$216,000 Attorney Fee Order

Satya's arguments going to the fee award are somewhat hard to follow in the context of appellate jurisprudence. Many of those arguments amount to little more than ad hominem attacks on Lakshmi's counsel, attributing to Lakshmi's counsel a Rasputin-like influence on the trial judge.¹¹ Several are regurgitations of his basic theme that because he was entitled to win on the merits, he was immune from discovery requests made by Lakshmi, and by the same token immune from any fee orders based on efforts by Lakshmi's counsel to enforce those discovery requests.¹² And while he mentions three specific statutes (sections 2030, 2032, and 271), he does not demonstrate how those statutes interact with the discovery laws to establish any error or abuse of discretion on the part of the trial judge.

In any event, Satya's basic theme remains the same: Because Lakshmi has a separate estate (an assumption he takes for granted), it was an abuse of discretion (or

¹¹ Generally speaking, arguments "6.2" through "6.5" in the opening brief fall into this category.

¹² See arguments "6.6" and particularly "6.6.1."

outright erroneous) to make any attorney fee award in her favor. Hard data as to Lakshmi's overall income, assets and liabilities as well as his *own* income, assets and liabilities, however, is conspicuously missing from this portion of his brief. Satya has the burden of showing error or abuse of discretion on appeal, and his brief manifestly fails in that regard.

CONCLUSION

This appeal is only concerned with a terminating discovery sanction, and the related fee awards generated by Satya's own litigation strategy and behavior in front of the discovery referee. Representing himself, he has shown no error or abuse of discretion in regard to the orders of January 14 or January 27, 2011. Those orders are therefore affirmed. Lakshmi shall recover her costs on appeal.

MOORE, J.

WE CONCUR:

O'LEARY, P. J.

FYBEL, J.